

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-110031
	:	TRIAL NO. B-1001632
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANTHONY VAUGHN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Defendant-appellant Anthony Vaughn appeals the judgment of the Hamilton County Court of Common Pleas convicting him of two counts of rape. He was convicted after entering guilty pleas.

In a single assignment of error, Vaughn argues that his guilty pleas were not voluntary because the trial court failed to inform him that the agreed sentence would be imposed immediately after the entry of the pleas.

Unless a fundamental constitutional right is implicated, substantial compliance with Crim.R. 11 is sufficient. See *State v. Ballard* (1981), 66 Ohio St.2d 473, 475-476, 423 N.E.2d 115. Substantial compliance means that under the totality of circumstances, the defendant subjectively understands the nature of the plea and its implications. *State v. Fields*, 1st Dist No. C-090648, 2010-Ohio-4114, ¶9. Where the defendant challenges the voluntariness of a plea, he must demonstrate that, in

the absence of the alleged defect in the plea colloquy, he would not have entered the plea. Id.

In the case at bar, we find no infirmity in the proceedings. As Vaughn concedes, he had no right to a delayed sentence. And at the sentencing hearing, he did not even request a delay in the imposition of the sentence. Thus, he has failed to demonstrate that he would not have entered the pleas had he known that the sentence was to be imposed immediately.

Accordingly, we overrule the assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and FISCHER, JJ.

To the Clerk:

Enter upon the Journal of the Court on December 7, 2011

per order of the Court _____.
Presiding Judge